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Magistrate Judge J. Richard Creatura

UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

UNITED STATES OF AMERICA,

Plaintiff,

v.

JUVENTINO BARRERA-MARTINEZ,

Defendant.

NO. MJ19-5130

COMPLAINT for VIOLATION
U.S.C. Title 8 Section 1326(a)
(Illegal Reentry After Deportation)

(Felony)

BEFORE, United States Magistrate Judge, J. Richard Creatura,
United States Courthouse, 1717 Pacific Ave., Tacoma, Washington.

COUNT I

On or about June 20, 2019, in Olympia, within the Western District of Washington, JUVENTINO BARRERA-MARTINEZ, an alien, a native and citizen of El Salvador, who was previously arrested and deported from the United States on April 11, 2012, at the Phoenix-Mesa Gateway Airport in Mesa, Arizona, was found after knowingly and voluntarily reentering the United States without the express consent of the Secretary of the Department of Homeland Security.

All in violation of Title 8, United States Code, Section 1326(a).

The undersigned complainant being duly sworn states:

1. I, Neil Schaefer, am a Deportation Officer in the United States Department

1 of Homeland Security (DHS), Immigration and Customs Enforcement (ICE),
 2 assigned to the Office of Enforcement and Removal Operations (ERO) for the Seattle
 3 District Field Office in Tukwila, Washington. Part of my duties entail the location and
 4 apprehension of aliens in the United States who have criminal histories.

5 The following information is based on my investigation, the investigation of other
 6 officers of ICE, the records of: (1) the United States Citizenship and Immigration
 7 Services (hereinafter CIS); (2) the United States District Court for the Western District of
 8 Washington; (3) the Centralia Washington Municipal Court; (4) the Superior Court of
 9 Washington for Lewis County; (5) the Centralia Police Department and (6) the Federal
 10 Bureau of Investigation (FBI) Criminal Justice Information Services Division.

11 2. My investigation establishes that CIS maintains an alien registration
 12 administrative file, commonly referred to as an A-file, A094 464 928, on JUVENTINO
 13 BARRERA-MARTINEZ. A-file 094 464 928 is the official immigration file maintained
 14 by CIS and is a consolidated repository of all known immigration contacts with
 15 JUVENTINO BARRERA-MARTINEZ, hereinafter "defendant." The A-file of the
 16 defendant contains documents showing that he is a native and citizen of El Salvador.

17 3. The A-file of the defendant contains the conviction documents from the
 18 records of the United States District Court for the Western District of Washington; the
 19 Centralia Washington Municipal Court; and the Superior Court of Washington for Lewis
 20 County. These records indicate that the defendant was convicted of the following
 21 offenses:

- 22 (a) the United States District Court for the Western District of
 Washington, case number 3:13CR05461RJB-001, for the offense of
 Illegal Reentry After Deportation, in violation of 8 U.S.C. § 1326,
 sentenced to seven months on November 15, 2013;
- 26 (b) the Centralia Washington Municipal Court, case number
 2Z0011534, for the offense of Protection Order Violation-Domestic

- Violence, in violation of RCW 26.50.110, sentenced to 364 days, 359 days suspended;
-) the Superior Court of Washington for Lewis County, in case number 01-1-835-2 for the offenses of Attempting to Elude a Pursuing Police Vehicle and Driving Under the Influence, in violation of RCW 46.61.024 and RCW 46.61.502, sentenced to 90 days on January 30, 2002;
-) the Centralia Washington Municipal Court, case numbers 61522; and 61523, for the offenses of Hit and Run and Driving Under the Influence, in violation of RCW 46.52.020(5) and RCW 46.61.502, sentenced to 58 days on September 11, 2001.

The A-file for the defendant does not contain the conviction documents for the following convictions, but has been confirmed through a national criminal database:

- (e) The Lewis County Superior Court, case number 061006938, for the offenses of Assault-4 and Exhibiting/Displaying/Carrying a weapon with intent to intimidate, in violation of RCW 9A.363041(2) and RCW 9.41.270(2), sentenced to 364 days, 312 days suspended on December 4, 2006.
- (f) the Centralia Municipal Court, case number 63904, for the offense of Assault-4, in violation of RCW 9A.36.041 sentenced to 364 days, 364 days suspended on July 8, 2003.

4. Within the A-file of the defendant, there are two executed I-205, Warrant of Removal/Deportation documents. These documents reflect that the defendant was deported to El Salvador on the following dates and locations:

- (i) March 5, 2014, at Mesa, Arizona, at the Phoenix-Mesa Gateway Airport, and
- (ii) April 11, 2012, at Mesa, Arizona, at the Phoenix-Mesa Gateway Airport.

1 The forms I-205 bear the fingerprint, signature, and photograph of the defendant.
2 Physical proof of the defendant's removals from the United States to El Salvador was
3 witnessed by immigration officers.

4 5. On December 8, 2006, the defendant was processed for a Notice to Appear.
5 On March 5, 2008, an immigration judge in Seattle, Washington, ordered the defendant
6 deported from the United States to El Salvador pursuant to the charges set forth in the
7 Notice to Appear. On March 20, 2008, the defendant appealed the immigration judge's
8 ruling before the Board of Immigration Appeals. On October 14, 2009, the appeal was
9 dismissed by the Board. On November 13, 2009, the defendant filed a Petition for
10 Review before the United States Court of Appeals for the Ninth Circuit, docket number
11 09-73595. On December 9, 2011, the United States Court of Appeals denied the petition
12 for review and issued its mandate on February 28, 2012.

13 The defendant was deported to El Salvador on April 11, 2012. However, he later
14 returned to the United States.

15 6. On June 20, 2019, Deportation Officers approached the defendant near the
16 Thurston County Superior Court in Olympia, Washington, outside the courthouse. The
17 Deportation Officers identified themselves as Immigration officers and informed the
18 defendant he was under arrest for immigration violations. The officers determined the
19 defendant was the same person identified as the deported alien in A-file A094 464 928
20 and FBI Number 647102VB7.

21 7. The defendant was advised of his *Miranda* rights by a deportation officer
22 via a standard ICE Statement of Rights form during processing. The defendant stated he
23 understood his *Miranda* rights and declined to make a statement.

24 The defendant was notified of his consular rights pursuant to 8 C.F.R. 236.1(e) He
25 was served with a list of free legal services. The defendant refused to answer whether he
26 wished consular officials to be notified.

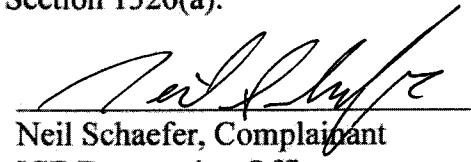
27 8. On June 20, 2019, deportation officers fingerprinted the defendant. On

1 June 24, 2019, I electronically submitted the defendant's fingerprints to the FBI via the
2 Next Generation Identification (NGI) system. I submitted the defendant's fingerprints as
3 a search transaction, which is a request to a FBI fingerprint examiner to confirm a
4 potential match between the defendant and other NGI individuals maintained in the FBI's
5 Criminal Master File.

6 On June 24, 2019, I obtained confirmation from the FBI the fingerprints I
7 submitted of the defendant was a match with FBI number 647102VB7. This is the same
8 FBI number associated with the defendant's A-file, A094 464 928, and the convictions
9 noted in paragraph 3 above.

10 9. I have conducted a complete and thorough review of the defendant's
11 Immigration A-file A094 464 928 which contains no evidence the defendant has ever
12 received permission to enter the United States after his last deportation.

13 10. Based on the foregoing, I have probable cause to believe that JUVENTINO
14 BARRERA-MARTINEZ has reentered the United States knowingly and voluntarily
15 without the express consent of the Secretary of the Department of Homeland Security, in
16 violation of Title 8, United States Code, Section 1326(a).

17 
18 Neil Schaefer, Complainant
19 ICE Deportation Officer

20
21 Reviewed by AUSA Don Reno 

22 Based on the Complaint sworn to before me and subscribed in my presence this
23 July 18, 2019, the Court hereby finds that there is probable cause to believe the defendant
24 committed the offense set forth in the Complaint.

25 
26 V. Richard Creatura
27 United States Magistrate Judge
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